

**TESTIMONY**

**Of**

**CURTIS GANS, Director**

**Center for the Study of the American Electorate**

**To**

**Joint Committee on Government Administration and Elections**

**Connecticut State Legislature**

**Re: HB 5126**

**February 24, 2014**

My name is Curtis Gans, and for the last 38 years through a non-partisan, non-profit, tax-exempt research corporation that I founded I have been studying, analyzing and engaging in public education with respect to issues that affect the will of American citizens to vote and participate in the political process.

I am here to present my views in opposition to HB 5126 as being harmful to the political process and the involvement of the citizenry in our democracy.

The question that is asked in this hearing is why not abolish the Electoral College and elect the presidential winner based on the national popular vote?

The idea is seductive and persistent -- but would prove a big mistake. Let's enumerate the reasons why:

**A national recount:** A direct presidential election is national and every vote would count equally. So should there be a need for a recount -- due to closeness of outcome or doubts about the accuracy of counting -- it would be a nightmare, involving more than 130 million votes.

**A minority president:** This approach would eliminate the possibility of a spoiler candidate -- such as in 2000 when Ralph Nader, who got less than 5% of the vote in some states, deprived Al Gore of an Electoral College majority. But a direct election would also increase the possibility that a candidate with no more than 30% of the national popular vote would become president.

Some of this risk could be minimized by a runoff election. But the runoff could easily be between two candidates whose vote totals did not exceed 30%. And the winner, if the history of runoffs in states is any guide, would be determined by fewer voters than in the general election.

**A glut of attack advertising:** One can lament the glut of attack advertising in the battleground states, but a direct election would visit that plague on the whole nation. This would, in turn, further empower big campaign donors and enrich political consultants.

**A reduced focus on grassroots:** The majority of campaign resources would go for national television advertising. And the percentage of the campaign funds devoted to contacting and educating the individual voter, registration and get-out-the vote mobilization -- will likely be substantially reduced.

**A crumbling of federalism and pluralism:** While candidates would be forced to speak from a national perspective, he or she would have less incentive to speak to the concerns of specific groups such as farmers in the Midwest, coal miners across Appalachia, minorities, or the low turnout young. There will be a much smaller incentive to build coalitions of interests that will help with governance or speak to the differing needs of states and regions. What you will most certainly have if we elected our presidents by national popular vote is a campaign of television and tarmacs -- where the majority of resources would be spent on the coaxial cable and the rest in brief candidate visits to places where he or she think will vote for them seeking as much free publicity as those visits can garner.

The Electoral College system, as it is presently constituted, is not without flaws. The largest of these is that presidential campaigns tend to exclusively focus on a handful of battleground states while all the others see virtually no campaign at all.

But this is not a result of the Electoral College, per se, but rather with the winner-take-all method of selecting electors in every state (but two). If a campaign determines that it can win the majority vote of a state easily -- or alternatively that it has no hope of winning -- it would devote minimal resources in that state. Instead, it would concentrate virtually all its effort only in battleground states. By virtue of this, about two-thirds of the states have no presidential campaign at all.

The remedy is not to get rid of the Electoral College but to get rid of winner-take-all. There are two potential remedies:

- States could adopt the system now used by Maine and Nebraska where the winner of the state's popular votes garners two electors (those that represent the U.S. Senate delegation) while the electors representing the number of a state's U.S. House members are awarded to the winner in each congressional district.
- Or electors in each state could be elected proportionally reflecting each candidate's share of the state's popular vote.

Each of these remedies would likely make the national Electoral College vote more congruent with the national popular vote. It would also provide an incentive for grassroots

activity and coalition building because in almost every state each party would have something to gain.

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The Electoral College stands as a bulwark for pluralism, federalism, coalition building and participation. It stands as a deterrent to unbridled majority rule, total dominance of media and money and the nightmare of a national recount. Its ground rules need to be amended, but the essential institution should not be discarded.

